

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
ALEXANDRIA DIVISION

ESVIN GOMEZ,

PLAINTIFF,

V.

SEOUL GOOL DAE GEE INC.,

DEFENDANT.

NO. \_1:19-cv-01121-CMH-TCB

**Declaration of Matthew B. Kaplan**

1. I am a solo practitioner and the principal attorney of The Kaplan Law Firm. Except where otherwise indicated, I make this Declaration based on my personal knowledge.

Billing Procedures

2. The amounts that my firm claims for attorneys' fees and for expenses, as well as the number of hours worked on this matter, and similar information for my cocounsel are set out in the charts attached as an Attachment to this Declaration. I believe that the fees and expenses associated with my firm and my cocounsel's firm are reasonable and were reasonably necessary for the prosecution of this case. The data for my firm in this Attachment is taken from my firm's books and records and is an accurate reflection of those records. I generally record time as it is incurred using an application on my iPhone. This data is then transferred to my firm's permanent record of attorney time. I often record less time than I actually worked if I believe that, in the exercise of billing discretion, I should do so. I also subject my time entries, including my time entries in this case, to further review and my practice is to not bill for time that I do not believe should be billed to a conventionally billed client, including if the recorded time might be deemed repetitive, unnecessary or entirely clerical. I coordinated my efforts with that of cocounsel to avoid duplication.

Background and Experience

3. A true and accurate copy of my resume is attached as an Attachment to this Declaration.

4. I am asking the Court to approve a billing rate in this matter for myself of \$495 per hour, which, given my background and experience, I believe is reasonable and reflective of the market rate in this district for matters of this type.

5. From 1987 – 1988 I was employed as an analyst at the Central Intelligence Agency and from 1988 – 2003 I was employed as a Foreign Service Officer with the United States Department of State. My duties focused on writing, analysis and negotiation, and I believe that my work at these two agencies provided me with skills that substantially enhance my ability to represent clients.

6. I attended the George Washington University Law School at night, while continuing to work at the State Department during the day and was graduated with Highest Honors (top 3% of my class) in January 2003, receiving an award for having the highest grade point average for the class of 2003 evening division. While in law school I served as a volunteer with the U.S. Public Defender's Office for the Eastern District of Virginia. I was admitted to the Virginia bar in April 2003 and have been practicing law in the private sector ever since.

7. From 2003 to 2005 I was employed as an attorney by White & Case, LLP, a respected global law firm. At White & Case I worked on complex civil litigation in the federal courts.

8. From 2005 to 2012 I was employed as an attorney at Cohen Milstein Sellers & Toll, PLLC, one of the nation's largest and most respected class action firms. I specialized in securities class actions and practiced in courts around the country, including in the Eastern District of Virginia. My hourly rate at Cohen Milstein, prior to my April 2012 resignation on good terms from that firm, was \$495 per hour. It is Cohen Milstein's practice to increase its attorneys' rates each December. The rates set by Cohen Milstein for its attorneys were frequently submitted in fee petitions to federal courts and, to the best of my knowledge, were never found to be unreasonable.

9. During my time at White and Case and Cohen Milstein I was the principal attorney responsible for two complex and lengthy pro bono unpaid wages/FLSA cases. Ultimately, in both case I obtained a substantial recovery for the clients.

10. Since leaving Cohen Milstein I have developed a solo practice, which focuses, in significant part, on FLSA claims and I have developed substantial expertise in that area. My knowledge of federal practice and procedure, including with respect to class actions, has proven to be highly relevant to the prosecutions of FLSA claims, both when prosecuted individually or as collective actions. Much of my current litigation caseload involves plaintiff-side wage and hour claims in the District of Columbia under District of Columbia law, which is in many respects similar to the federal Fair Labor Standards act (albeit with a higher level of liquidated damages). By D.C. law I am entitled to "Salazar" rates and I have actually been awarded fees at those rates.

#### Circumstances of this Case

11. Although this case was resolved relatively quickly after the filing of Plaintiff's Complaint, it nevertheless involved significant informal discovery and substantial legal work, much of which occurred prior to the filing of this case as the Parties attempted, ultimately unsuccessfully, to settle their dispute without judicial intervention. Prior to entry of judgment against it, Defendant consistently took the position that it had complied with its overtime obligations, owed nothing to Defendant Gomez and would vigorously defend itself in court.

12. Plaintiff reached out to Defendant's prior counsel in April 2019 to discuss Plaintiff's claims and a possible resolution of this matter. Specifically, counsel requested that Seoul Gool Dae Gee provide detailed time and payment records covering the year period that Plaintiff Gomez worked for Defendant so that counsel could analyze this information to confirm that overtime violations had occurred and to quantify the damages resulting from any such violation. Defendant agreed in principal. But actually obtaining all records needed and available, formatted in a manner usable to Gomez' counsel took time and required back and forth between counsel for the Parties. Ultimately Seoul Gool Dae Gee produced during this informal discovery process some 240 pages of "paper" records plus Excel spreadsheet formatted data. Much of this data purported to reflect, over a period of several years, Honey Pig's records with respect to the hours Gomez actually worked and what he was paid for those hours.

13. Upon initial review, Defendant's records seemed to indicate that there had been no overtime violations. Indeed, according to pay records provided, Gomez was actually paid for more overtime hours than he actually worked. However, Plaintiff's counsel's paralegal, with supervision from and input by, attorney Kaplan, used the provided data to construct a 78-page spreadsheet model indicating the hours worked, including separate totals of overtime and non-overtime hours, from April 2016 through the end of Gomez's employment in March 2019. The spreadsheet also set out Plaintiff's counsel's view of the amount it believed that Gomez had been underpaid. Specifically, Plaintiff took the position that the spreadsheet indicted that Plaintiff had been underpaid overtime totaling \$13,554.92.

14. Gomez' counsel's theory, based on their detailed analysis of they pay records, was that, despite the contrary indication in the pay records, Gomez had actually not been paid on an hourly basis, but on a salary, a practice not permissible under federal law. Honey Pig disputed this premise, contending that Gomez had not been underpaid at all and, consequently, was owed nothing.

15. Although Plaintiff's counsel believes that their methodology for calculating Plaintiff's unpaid overtime damages was reasonable, these calculations involved certain assumptions favorable to Plaintiff.

16. In mid-June the Parties began engaging in in settlement discussions. These discussions, however, were delayed because in early July Honey Pig changed its attorneys and new counsel understandably needed some time to become familiar with this matter.

17. At the beginning of his attorneys' involvement in this case Plaintiff Gomez made clear that one of the overriding objectives was that his case should be resolved expeditiously, and by no later than the fall of this year if at all possible. This was because, Gomez, who is not a U.S. citizen, intended to return to his home country toward the end of this year and he did not want to have to return to the U.S. to continue the prosecution of this case, especially since doing so would have been time consuming and might have greatly diminished the effective value of any recovery in this case. Moreover, even if Gomez had wanted to return to the U.S., most citizens of his country are unable to obtain a U.S. visa, which is required for them to travel to this country. Although, Gomez indicated that he would likely stay longer in the United States if absolutely necessary for the prosecution of this matter, he had compelling family reasons, including an ill elderly close relative in his home country, to return home expeditiously.

Ultimately, Gomez' decision to accept the offer of judgment was heavily influenced by this desire to return to his home country. Gomez has authorized his attorneys to disclose this information.

Fees and Expenses

18. I have attached to this declaration true and accurate tables indicating in detail my firm's fees and expenses in this matter. I normally bill my clients for my Westlaw legal research expenses, as I have done here in the same manner as I bill these expenses to non-contingent clients.

19. I believe that this expenditure of time and expenses was appropriate and reasonable under the circumstances of this case. The work billed includes preliminary communications with my client, factual research and initial damage calculations, communicating with Defendant in an effort to negotiate a pre-litigation settlement and drafting a Complaint after conducting appropriate research.

Rates

20. I believe that the rate I have requested, \$495 per hour, is reasonable and is consistent with the market rate for the type of legal services I performed in this case. I believe that the rate being requested by my co-counsel, Lenore Garon, \$460 per hour, is also reasonable.

Other issues

21. I am a solo practitioner with a very busy practice with a full workload. If I had not been working on this matter, I would have devoted comparable time to work on other matters and I expect that I would have been paid for my time working on those other matters.

22. My and my cocounsel's work on this matter was entirely contingent. Neither of us has received any payment for any of our work or reimbursement for any of our expenses. If this case had been unsuccessful, we would not have received any payment related to this case. Any fees and expenses awarded by the Court will be paid only to myself and my (through our respective solo practitioner firms) cocounsel and to no other person.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Matthew B. Kaplan

Matthew B. Kaplan

Executed on November 7, 2019

**EXHIBIT 1**

**Plaintiff's Counsel's Charts of Fees and Expenses**

**Plaintiff's Total Fees & Expenses**  
**Honey Pig Matter**

Fees	\$ 13,429.59
Expenses	\$ 400.00
Total	\$ 13,829.59

**Honey Pig Matter - Plaintiff's Attorneys' Fees**

Total Fees	\$ 13,429.59
Total Hours	36.333

Sort Number	Date	Category	Matter Name	Employee	Rate/Hr	Hours	Fees Earned	Notes
13070	3/22/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.367	\$ 181.67	Initial telcon with client
13077	3/25/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.15	\$ 74.25	Speak with client, arrange for initial meeting
13080	3/25/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Prepare engagement letter
13088	3/26/2019	Time	Honey Pig	MBKaplan	\$ 495.00	1.717	\$ 849.92	Initial meeting with client record notes of conversation
13106	3/28/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.6	\$ 297.00	Review documents from client; correspondence to client
13108	3/28/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.233	\$ 115.34	Review substantive docs. Related discussion with Lenore Garon.
13115	3/29/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.433	\$ 214.34	Speak to the client about status of the case; review documents from the client
13120	3/30/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.617	\$ 305.42	Communicate with client. Detailed telcon re status of his case
13139	4/2/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.183	\$ 90.59	Review draft letter to honey pig
13166	4/5/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.183	\$ 90.59	Review draft tolling agreement
14381	4/5/2019	Time	Honey Pig	LGaron	\$ 460.00	0.2	\$ 92.00	Telephone conference with counsel for proposed defendant, followed by telephone conference with MBK, re tolling agreement
14382	4/5/2019	Time	Honey Pig	LGaron	\$ 460.00	0.2	\$ 92.00	Drafting tolling agreement and emailing it to MBK
13175	4/7/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.2	\$ 99.00	Speak to client. Record notes of conversation
14383	4/8/2019	Time	Honey Pig	LGaron	\$ 460.00	0.2	\$ 92.00	Revising tolling agreement and sending it to employer's counsel
14384	4/15/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Response to email from restaurant's counsel.

Sort Number	Date	Category	Matter Name	Employee	Rate/Hr	Hours	Fees Earned	Notes
13284	4/25/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Review status of matter
13286	4/25/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.2	\$ 99.00	Speak to client re status of case
13313	4/30/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.333	\$ 164.84	Review time worked documents relating to time worked by client. Discuss next steps
14385	4/30/2019	Time	Honey Pig	LGaron	\$ 460.00	0.2	\$ 92.00	Attempted phone call (left voicemail message) followed by email to opposing counsel to clarify that it is hours worked, not payroll data, that is required in Excel-compatible format
14386	4/30/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Telephone conference with MBK re clarifying for opposing counsel what data is required in Excel-compatible format
13376	5/4/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.75	\$ 371.25	Review docs for damages issues. Provide instructions to paralegal
13384	5/7/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.25	\$ 33.75	Sort, unzip files received
13385	5/7/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	1.25	\$ 168.75	Input data into Excel; Calculations - pay period overtime vs. actual pay, review of calculations; OCR paystubs
13421	5/13/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.233	\$ 115.34	Review calculations by paralegal
13431	5/14/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	1.75	\$ 236.25	Add additional weeks to calculations
13432	5/14/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.75	\$ 101.25	Call with M Kaplan, finish adding additional weeks to calculations
13438	5/14/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.25	\$ 123.75	Work with paralegal on damages calculations issues
13447	5/16/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	2	\$ 270.00	Recalculate without breaks, add 2018 time, comparisons, add additional paystub data to excel
13448	5/16/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.25	\$ 33.75	Call with M Kaplan re: Data
13450	5/16/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.767	\$ 379.67	Review damages calcs. Discuss damages with paralegal



Sort Number	Date	Category	Matter Name	Employee	Rate/Hr	Hours	Fees Earned	Notes
13459	5/17/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.75	\$ 101.25	Calculate variations, including salary rate and ot premium, remove breaks >30 minutes
13460	5/17/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.25	\$ 33.75	Create graphs to show salary fluctuations
13461	5/17/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.25	\$ 33.75	Call with M Kaplan re: Data
13462	5/17/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	2	\$ 270.00	Add all days on timesheet, convert timesheet to useable format, update calculations, add payroll info for all days
13467	5/17/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.483	\$ 239.09	Review damages info. Discuss with paralegal
13472	5/17/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.133	\$ 65.84	Speak with client
13481	5/19/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.5	\$ 67.50	Finish inputting remaining time
13484	5/19/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Review calculations of damages
14387	5/20/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Telephone conference with employer's counsel re missing pay info
13529	5/23/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.133	\$ 65.84	Speak with client
13551	5/28/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.15	\$ 74.25	Review additional documents from defendant; forward to paralegal with instructions
13582	5/30/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.083	\$ 41.09	Address deficiency in defendant provided information
13588	5/30/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.117	\$ 57.92	Discuss needs for additional docs from defendants with Lenore Garon
13604	5/30/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.5	\$ 67.50	Review additional docs received, email M Kaplan with missing info, enter partial info
14388	5/30/2019	Time	Honey Pig	LGaron	\$ 460.00	0.2	\$ 92.00	Telephone conference with counsel for employer followed by telephone conference with MBK re needed records that are missing, followed by email to counsel for employer

Sort Number	Date	Category	Matter Name	Employee	Rate/Hr	Hours	Fees Earned	Notes
13689	6/12/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	1	\$ 135.00	New calculations using new information, organize new files, enter on excel sheet, recalculate
13693	6/13/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.6	\$ 297.00	Review damages calculations. Discuss with paralegal.
13696	6/13/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.15	\$ 74.25	Review calculations
13697	6/13/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.533	\$ 263.84	Review settlement calculations for accuracy; discussed calculations and settlement strategy with Lenore Garon
13698	6/13/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.2	\$ 99.00	Discuss settlement issues with client; record notes of conversation
13699	6/13/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.5	\$ 67.50	Finish calculations, re-check work, notes to MK via email
13700	6/13/2019	Paralegal T	Honey Pig	Jfrary	\$ 135.00	0.25	\$ 33.75	Call with MK to discuss data, revisions to data
14389	6/13/2019	Time	Honey Pig	LGaron	\$ 460.00	0.4	\$ 184.00	Telephone conference with MBK re results of analysis of time clock records vs. pay stubs, and appropriate approach to employer's counsel
13722	6/17/2019	Time	Honey Pig	MBKaplan	\$ 495.00	1.567	\$ 775.67	Draft letter to opposing counsel on the settlement issues and our damages calculations
13723	6/18/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.383	\$ 189.59	Finalize letter. Review detailed calculations
13727	6/18/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.117	\$ 57.92	Draft settlement letter
14390	6/18/2019	Time	Honey Pig	LGaron	\$ 460.00	0.4	\$ 184.00	Review of settlement letter to Honey Pig's counsel and email to MBK with suggestions
14391	6/19/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Review of email response of Honey Pig's counsel to our letter, and forward to MBK with query about further tolling.
13735	6/20/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.317	\$ 156.92	Review response from opposing counsel and consider response
13740	6/20/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Discuss settlement issues with Lenore

Sort Number	Date	Category	Matter Name	Employee	Rate/Hr	Hours	Fees Earned	Notes
14392	6/20/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Telephone conference with MBK re Honey Pig counsel's request for extension
14393	6/20/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Response to Honey Pig counsel for his request for 2-3 weeks to respond to our settlement letter
13815	7/1/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Review Status of Matter, discuss next steps with L Garon
14394	7/1/2019	Time	Honey Pig	LGaron	\$ 460.00	0.2	\$ 92.00	Telephone conference with MBK re drafting and filing Complaint
13859	7/5/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.283	\$ 140.09	Review status of the matter; discuss status of case and retention by Honey pig of new attorney with client
14395	7/5/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Telephone conferences with house counsel and then new retained counsel, and email to MBK
13901	7/22/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.517	\$ 255.92	Speak to opposing counsel. Review damages calculations.
13909	7/22/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.233	\$ 115.34	Research regarding new opposing counsel
14396	7/22/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Telephone conference with Honey Pig counsel, who asserts calculations are wrong; referred him to MBK
13915	7/23/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Address damages calculation issue
13916	7/23/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.7	\$ 346.50	Draft letter and calculate revised demand
13919	7/23/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Review status of matter
13921	7/23/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.433	\$ 214.34	Review settlement proposal
13923	7/23/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.067	\$ 33.17	Review status of matter
13943	7/25/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.25	\$ 123.75	Communicate with opposing counsel
13946	7/25/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.133	\$ 65.84	Email opposing counsel re attempt to directly contact client
13971	7/29/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.117	\$ 57.92	Speak to client
13975	7/29/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.067	\$ 33.17	Discuss next steps with Lenore Garon

Sort Number	Date	Category	Matter Name	Employee	Rate/Hr	Hours	Fees Earned	Notes
14397	7/29/2019	Time	Honey Pig	LGaron	\$ 460.00	0.1	\$ 46.00	Telephone conference with MBK re rejection of our settlement offer and need to draft complaint
14028	8/2/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.067	\$ 33.17	Speak to client
14398	8/24/2019	Time	Honey Pig	LGaron	\$ 460.00	1.25	\$ 575.00	Drafting Complaint
14167	8/27/2019	Time	Honey Pig	MBKaplan	\$ 495.00	2.7	\$ 1,336.50	Review modify and file draft complaint; related research regarding potential claims including potential claim for filing false information with IRS which I decided not to make; related communication and telephone conversation with client
14168	8/28/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.55	\$ 272.25	Address service issues. Related communication with opposing counsel
14175	8/28/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.117	\$ 57.92	Address waiver of service issues
14179	8/29/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.317	\$ 156.92	Address service issues. Conversation with Chap Peterson, counsel for Defendants.
14218	9/5/2019	Time	Honey Pig	MBKaplan	\$ 495.00	0.1	\$ 49.50	Communicate with client re case
	10/1/2019	time	Honey Pig	MBKaplan	\$ 495.00	0.4	\$ 198.00	Review defendants offer of judgment and consider response

**Honey Pig Matter  
Plaintiff's Expenses**

Total Expenses	\$ 400.00
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Date	Description	Amount
8/28/2019	filing fee	\$ 400.00

**EXHIBIT 2**

**Resume of Matthew B. Kaplan**

## **Matthew B. Kaplan**

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The Kaplan Law Firm, 1100 N Glebe Rd., Suite 1010, Arlington, VA 22201  
Phone: (703) 665-9529 email: mbkaplan@thekaplanlawfirm.com website:thekaplanlawfirm.com

### **LEGAL EXPERIENCE**

#### **The Kaplan Law Firm**

**Principal Attorney, Arlington, Virginia**

**2012-present**

- Principal attorney at law firm that represents individuals and businesses in complex civil litigation and in civil and criminal appeals.
- As Member of the Criminal Justice Act Panels of the District of Columbia Circuit Court of Appeals, the Fourth Circuit Court of Appeals and the District of Columbia Court of Appeals, regularly appointed by those courts to represent indigent defendants appealing felony convictions.
- Obtained reversal of client's conviction in *Mason v. United States*, 170 A.3d 182 (D.C. 2017), which held, as issue of first impression, that a juror cannot be disqualified merely because she believes that the criminal justice system treats African-American males unfairly.
- Obtained reversal of client's conviction in *Malloy v. United States*, 186 A.3d 802 (D.C. 2018); case clarified law regarding "plain error" standard of review.
- Successfully prosecuted numerous collective actions and individual claims brought under wage payment, minimum wage and overtime legislation in state and federal courts in Maryland, Virginia and the District of Columbia; obtained substantial settlements for clients.
- Successfully represented major area non-profit in D.C. Superior Court in litigation to collect on defaulted low interest debt.

#### **Cohen Milstein Sellers & Toll PLLC**

**Associate, Securities Practice Group, Washington, DC**

**2005–2012**

- Successfully litigated class action securities cases on behalf of clients of prominent plaintiffs' law firm with nationwide practice.
- Member of team prosecuting groundbreaking federal securities cases arising from collapse in value of mortgage backed securities.
- Principal attorney responsible for prosecution of *In re LDK Solar Securities Litigation*, which resulted in publicly traded corporation paying \$16 million settlement after more than three years of litigation; developed novel legal argument that allowed service on Chinese Defendants; presented oral arguments; drafted nearly all briefs and other filings; supervised testifying experts; deposed eight fact and expert witnesses in Hong Kong and Hawaii.
- Litigated claims against corporations who wrongfully backdated stock options; recovered approximately \$10 million from Staples, Inc. insiders.
- Associate responsible for *In re Buca Inc. Securities Litigation*, which recovered \$1.6 million for investors.
- Litigated other securities cases, including *Moomjy v. HQ Sustainable Maritime Industries, Inc.*, *In re Dura Pharmaceuticals Securities Litigation*, *In re ProQuest Securities Litigation*, *In re JDS Uniphase Corporation Securities Litigation*, *In re Sirius Satellite Radio Securities Litigation*, *Tripp v. IndyMac Bancorp., Inc.*, and *In re C.P. Ships Securities Litigation*.
- Represented four detainees at Guantanamo Bay Naval Base in district court and the Court of Appeals; one client was released after extensive litigation.

## **Matthew B. Kaplan**

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### **White & Case, LLP**

**Associate, Litigation Section, Washington, DC**

**2003–2005**

- Represented clients in high stakes civil and white-collar criminal cases.
- Managed large-scale document review in support of defense of major client in multidistrict antitrust litigation.
- Litigated *pro bono* Fair Labor Standards Act lawsuit, recovering \$52,000.

### **Office of the Federal Public Defender**

**Volunteer Intern, Alexandria, Virginia**

**September 2002–December 2003**

- Researched legal theory adopted by the Fourth Circuit in dismissing felony case.

## **OTHER EXPERIENCE**

### **U.S. Department of State**

**Foreign Service Officer**

**1988–2003**

- Promoted interests of the United States and reported on developments abroad. Served as Political Officer, Desk Officer and Intelligence Analyst in Colombia, Venezuela, Nicaragua and Washington, DC; managed multimillion-dollar counternarcotics program in The Bahamas. Worked with the Department of Justice on extradition, foreign judicial reform and other issues.

### **Central Intelligence Agency**

**Intelligence Analyst**

**1987–1988**

- Regularly drafted President's Daily Brief and National Intelligence Daily articles; received Meritorious Honor Award.

## **BAR ADMISSIONS**

- State: District of Columbia, Maryland, Virginia
- Federal: Supreme Court; Courts of Appeals for the Fourth, Fifth, Ninth and District of Columbia Circuits; District Courts for the District of Columbia, District of Maryland and the Eastern and Western Districts of Virginia; Bankruptcy Court for the Eastern District of Virginia

## **EDUCATION**

**George Washington University Law School**

**August 1999–January 2003**

- J.D. With Highest Honors (top 3% of class).
- Member: George Washington Law Review; Moot Court Board; Order of the Coif.
- Awards: highest Evening Division GPA; most outstanding tort law student.

**Georgetown University, School of Foreign Service**

**August 1982–May 1986**

- B. S. in Foreign Affairs *cum laude*, specializing in Latin American Studies.

## **LANGUAGES**

- Spanish: Fluent.